

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in regular session at the Board Office in Jackson, Mississippi, at 8:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on May 9, 2002, to each and every member of said Board, said date being at least five days prior to this May 16, 2002 meeting. At the above-named place there were present the following members to wit: Mr. Thomas W. Colbert, Mr. William S. Crawford, Dr. Stacy Davidson, Ms. Ricki R. Garrett, Mr. Bryce Griffis, Mr. Roy Klumb, Dr. D. E. Magee, Jr., Dr. Bettye Henderson Neely, Ms. Virginia Shanteau Newton, Mr. Carl Nicholson, Jr., Mr. Scott Ross, and Ms. Amy Whitten. The meeting was called to order by Mr. Bryce Griffis, President, and opened with prayer by Mr. Ross.

RECOGNITION

1. Dr. Andy Mullins, Executive Assistant to the Chancellor at The University of Mississippi, introduced a class of doctoral students in higher education administration. Dr. Tim Letzring's education policy class is visiting Jackson this week and Washington, D.C. next week.
2. Mr. Griffis recognized Representative George Flaggs. Representative Flaggs spoke against tuition increases.

UNANIMOUS CONSENT

On motion by Dr. Davidson, seconded by Ms. Whitten, and unanimously passed by those present, it was

RESOLVED, That consent to be considered is granted to all items not previously placed on the agenda and hereinafter reported.

APPROVAL OF THE MINUTES

On motion by Mr. Crawford, seconded by Dr. Davidson, and unanimously passed by those present, it was

RESOLVED, That the Minutes of the Board meetings held on April 18, 2002, and May 6, 2002, stand approved.

Mr. Griffis passed the chairmanship of the Board meeting to Mr. Roy Klumb for consideration of the Academic Affairs Agenda.

ACADEMIC AFFAIRS AGENDA

Presented by Mr. Roy Klumb, Chair

On motion by Ms. Garrett, seconded by Ms. Whitten, and unanimously passed by those present, it was

RESOLVED, That the Board hereby approves agenda item #1 as submitted on the following Academic Affairs Agenda.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

1. **UMMC** - Approved request to award the following degrees on June 30, 2002:
Doctor of Medicine 1
Master of Physical Therapy 1
2. **Other Business** - Mr. Klumb announced that the Chief Academic Officers will have a retreat June 18-19, 2002, to discuss program duplication.

Mr. Klumb passed the chairmanship of the Board meeting to Ms. Amy Whitten for consideration of the Budget & Financial Affairs Agenda.

BUDGET & FINANCIAL AFFAIRS AGENDA

Presented by Ms. Amy Whitten, Chair

On motion by Mr. Nicholson, seconded by Ms. Whitten, and unanimously passed by those present, it was

RESOLVED, That the Board hereby approves agenda item #1 as submitted on the following Budget & Financial Affairs Agenda. Agenda item #2 was accepted on a separate motion by Mr. Colbert, seconded by Mr. Klumb, and unanimously passed by those present. Agenda item #3 was approved on a separate motion by Mr. Colbert, seconded by Mr. Klumb, and unanimously passed by those present. Agenda item #4 was approved on a separate motion by Dr. Davidson, seconded by Dr. Neely, and unanimously passed by those present. **AGENDA ITEM #5 WAS APPROVED AS SHOWN BELOW.** Agenda item #6 was approved on a separate motion by Mr. Nicholson, seconded by Mr. Colbert, and unanimously passed by those present.

1. **JSU** - Approved request to contract with an independent certified public accounting firm to perform a financial statement audit for the year ending June 30, 2002. The audit is requested because of a change in key management in those areas closely related to the financial accountability of the University.
2. **MVSU (Information item.)** - Accepted the independent audit of FY 2001. A copy of the Independent Auditor's Report and the Compliance and Internal Control Reports is included in the bound *May 16, 2002 Board Working File*.
3. **UM** - Approved request to enter into an exclusive five-year contract with Boston Concessions Group, Inc., to provide food and beverage concessions at athletic events. The contract award is based on percentage of gross sales, guaranteed minimum, and capital investments. Bids were as follows:

Company	Base Bid
Custom Food Group	\$320,000
Aramark	\$350,000
Boston Concessions Group, Inc.	\$400,000

4. **UMMC** - Approved request to enter into an agreement with Southern Healthcare Agency, Inc., to provide professional nursing services for the University Hospital at Holmes County (Lexington) to supplement existing staff and to ensure efficient and quality functioning of the individuals units. The contract begins June 1, 2002, through June 30, 2003, and should not exceed \$300,000 for the period.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

5. **System Administration - H. B. 1148—Retirement Incentive Program. (See Exhibit 1.)**

Mr. James Pennington, an attorney with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., gave a presentation concerning the Retirement Incentive Program and agreed to provide a written opinion later confirming that the proposed policy, Rules and Regulations document, and the Agreement, Waiver and Release form are in compliance with federal law.

A motion was made by Mr. Colbert, seconded by Mr. Griffis, to accept the Retirement Incentive Program Rules and Regulations document.

Mr. Ross requested that any institution which chooses to re-employ an individual who received a cash benefit through the Retirement Incentive Program must bring the re-employment of that individual before the Board for approval. He further requested that this recommendation be placed in the *Board Policies and Bylaws*.

Ms. Whitten requested a description of the materials in the Retirement Incentive Program packet distributed to Mississippi State University employees.

Mr. Mark Ritter, a consultant with KPMG, LLP, also gave a presentation concerning the Retirement Incentive Program. A compensation spreadsheet was handed out to the Board members. A copy of the spreadsheet is included in the *May 16, 2002 Board Working File*.

Mr. Ross commended Mississippi State University for taking the time and effort to present the information and to do it in such a way that MSU can take advantage of it this coming fiscal year.

Dr. Charles Lee, Interim President of Mississippi State University, gave a presentation on MSU's proposed participation in the Retirement Incentive Program.

On motion by Mr. Colbert, seconded by Mr. Ross, and unanimously passed by those present, the Board voted to approve *Board Policy Section 808 Retirement Incentive Program* (See Exhibit 2) and the Rules and Regulations document (See Exhibit 3).

On motion by Mr. Ross, seconded by Mr. Griffis, and unanimously passed by those present, the Board voted to approve Mississippi State University's participation in the Retirement Incentive Program including the window of opportunity enrollment period May 16, 2002, through June 30, 2002, and a cash benefit of 50% of the participant's current annual base salary. A copy of MSU information packet is included in the *May 16, 2002 Board Working File*.

Mr. Crawford requested a comprehensive report on the progress of MSU's participation in the Retirement Incentive Program. Dr. Lee assured Mr. Crawford that a report would be available as early as the July Board meeting.

The Board included approval of the Agreement, Waiver, and Release document by unanimous consent. (See Exhibit 4.)

Mr. Klumb commended MSU for moving forward and for those people involved in this process.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

6. **System Administration** - Approved allocation of FY 2003 appropriations. A copy of the allocation spreadsheets is included in the bound *May 16, 2002 Board Working File*.
7. **System Administration** - FY 2003 Tuition and Fees.
Dr. Clinton Bristow, President of the Presidents' Council, announced that the Presidents' Council unanimously endorsed Dr. Layzell's recommendation of an 8% increase in resident and non-resident tuition and fees. Each Institutional Executive Officer addressed the issue as well.

Mr. Griffis passed the chairmanship of the Board meeting to Ms. Ricki Garrett for the presentation of a resolution.

OTHER BUSINESS

Presented by Ms. Ricki Garrett

On motion by Ms. Garrett, seconded by Mr. Crawford, with Mr. Colbert absent and not voting, it was

RESOLVED, That the Board hereby approves the following item as submitted on the Other Business Agenda.

System Administration - Approved resolution commending the late Miriam Quinn Simmons for her service to the State of Mississippi. **(See Exhibit 5.)** Ms. Sue Simmons Welch, her daughter, was present at the Board meeting to receive the resolution and thank the Board members.

Ms. Garrett passed the chairmanship of the Board meeting to Ms. Whitten for consideration of the remaining item on the Budget & Financial Affairs Agenda.

BUDGET & FINANCIAL AFFAIRS AGENDA

Presented by Ms. Amy Whitten, Chair

AGENDA ITEMS #7 - #8 WERE APPROVED AS SHOWN BELOW. Agenda item #9 was approved on a separate motion by Dr. Neely, seconded by Dr. Davidson, with Mr. Colbert absent and not voting.

7. **System Administration** - FY 2003 Tuition and Fees.
A motion was made by Dr. Davidson, seconded by Mr. Griffis, to accept an 8% increase in resident and non-resident tuition and fees for all universities.

An substitute motion was made by Ms. Whitten, seconded by Dr. Davidson to accept an 8% increase in resident and non-resident tuition and fees for all universities with 62.5% of the increase to be set aside pending a review of revenues later in the year to be used possibly for mid-year state cuts but subject to be used under the conditions which will be set by the Board as need arises. The amended motion passed on a 9 to 2 vote, with Mr. Thomas Colbert absent and not voting. Board members voting for the motion were: Mr. Bill Crawford, Dr. Stacy Davidson, Ms. Ricki Garrett,

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

Mr. Bryce Griffis, Dr. D. E. Magee, Mr. Carl Nicholson, Dr. Bettye Neely, Ms. Virginia Shanteau Newton, and Ms. Amy Whitten. Board members **voting against the motion were: Mr. Roy Klumb and Mr. Scott Ross.** A copy of the 8% increase spreadsheets is included in the bound *May 16, 2002 Board Working File*.

A motion was made by Dr. Davidson, seconded by Dr. Magee, to approve a three-year tuition and fee increase plan for The University of Mississippi Schools of Pharmacy and Law. The motion passed on a 10 to 1 vote, with Mr. Thomas Colbert absent and not voting. Board members voting for the motion were: Mr. Bill Crawford, Dr. Stacy Davidson, Ms. Ricki Garrett, Mr. Bryce Griffis, Dr. D. E. Magee, Mr. Carl Nicholson, Dr. Bettye Neely, Ms. Virginia Shanteau Newton, Mr. Scott Ross, and Ms. Amy Whitten. **Mr. Roy Klumb voted against the motion.** A copy of the three-year increase is included in the bound *May 16, 2002 Board Working File*.

A motion was made by Mr. Griffis, seconded by Dr. Davidson, to approve an 8% increase in athletic fees. The motion passed on a 9 to 2 vote, with Mr. Thomas Colbert absent and not voting. Board members voting for the motion were: Dr. Stacy Davidson, Ms. Ricki Garrett, Mr. Bryce Griffis, Dr. D. E. Magee, Mr. Carl Nicholson, Dr. Bettye Neely, Ms. Virginia Shanteau Newton, Mr. Scott Ross, and Ms. Amy Whitten. Board members **voting against the motion were: Mr. Bill Crawford and Mr. Roy Klumb.** A copy of the athletic fees increase is included in the bound *May 16, 2002 Board Working File*.

8. **System Administration** - FY 2003 Room and Board Charges. A copy of the summary of proposed room and board charges is included in the bound *May 16, 2002 Board Working File*. **A motion was made by Mr. Nicholson, seconded by Dr. Neely, to approve the FY 2003 room and board charges.** The motion passed on a 10-2 vote, with Mr. Thomas Colbert absent and not voting. Board members voting for the motion were: Mr. Bill Crawford, Dr. Stacy Davidson, Ms. Ricki Garrett, Mr. Bryce Griffis, Dr. D. E. Magee, Mr. Carl Nicholson, Dr. Bettye Neely, Ms. Virginia Shanteau Newton, Mr. Scott Ross, and Ms. Amy Whitten. **Mr. Roy Klumb voted against the motion.** A copy of the room and board charges is included in the bound *May 16, 2002 Board Working File*.
9. **Other Business** - Approved the creation of the Task Force on Tuition and Fees to review:
 - i. Policies and practices, such as disaggregating the tuition and fees dollar amount and
 - ii. The creation of a multi-year tuition plan.

Ms. Whitten passed the chairmanship of the Board meeting to Mr. Scott Ross for consideration of the Building/Facilities Agenda.

BUILDING/FACILITIES AGENDA
Presented by Mr. Scott Ross, Chair

On motion by Ms. Whitten, seconded by Dr. Davidson, with Mr. Colbert absent and not voting, it was

RESOLVED, That the Board hereby approves agenda item #1 as submitted in the following

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

Building/Facilities Agenda. Agenda item #2 was approved on a separate motion by Mr. Griffis, seconded by Dr. Neely, with Mr. Colbert absent and not voting. Agenda item #3 was approved on a separate motion by Dr. Neely, seconded by Mr. Klumb, with Mr. Colbert absent and not voting. Agenda item #4 was approved on a separate motion by Ms. Garrett, seconded by Dr. Davidson, with Mr. Colbert absent and not voting. Agenda item #5 was approved on a separate motion by Mr. Nicholson, seconded by Dr. Davidson, with Mr. Colbert absent and not voting. Agenda item #6 was approved on a separate motion by Mr. Griffis, seconded by Mr. Nicholson, with Mr. Colbert absent and not voting. Agenda item #7 was approved on a separate motion by Ms. Garrett, seconded by Mr. Griffis, with Mr. Colbert absent and not voting. Agenda item #8 was approved on a separate motion by Dr. Davidson, seconded by Ms. Garrett, with Mr. Colbert absent and not voting. Agenda item #9 was approved on a separate motion by Dr. Davidson, seconded by Mr. Klumb, with Mr. Colbert absent and not voting. Agenda item #10 was approved on a separate motion by Mr. Klumb, seconded by Dr. Davidson, with Mr. Colbert absent and not voting.

1. **UMMC** - Approved initiation of **IHL #209-456, Pediatric Clinic Area**, and appointment of Dean and Dean/Associates Architects, P.A., as project professionals. Funds are available for design from patient revenue and for construction from the Medical Center EBC.
2. **USM** - Approved bids and award of contract in the amount of \$461,600 to the low bidder, South Central Roofing and Sheetmetal, Inc., for **GS #108-196, Roofing and Waterproofing 2000**, and request approval by the Bureau of Buildings. Funds are available in the amount of \$550,000 from S.B. 3315, Laws of 2000. Bids were as follows:

Contractor	Base Bid	Alternates
1. South Central Roofing and Sheet Metal, Inc.	\$461,600	1. (\$ 17,000) 2. (\$ 20,600) 3. (\$ 17,425) 4. (\$ 88,670) 5. (\$ 87,700)
2. E. Cornell Malone Corporation	\$597,389	1. (\$ 21,100) 2. (\$ 16,310) 3. (\$ 38,456) 4. (\$113,200) 5. (\$ 97,100)
3. Rowell Sheet Metal, Inc.	\$728,632	1. (\$ 30,018) 2. (\$ 19,000) 3. (\$ 26,600) 4. (\$163,800) 5. (\$ 81,000)
4. Rowell Roofing, Inc.	\$740,000	1. (\$ 29,868) 2. (\$ 17,371) 3. (\$ 42,000) 4. (\$130,000) 5. (\$105,000)
5. United Roofing & Construction, Inc.	\$772,350	1. (\$ 29,675) 2. (\$ 18,200) 3. (\$ 24,900) 4. (\$158,360) 5. (\$ 78,000)

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

3. **DSU** - Approved construction documents for **GS #102-179, Cutrer House Restoration**, authorize advertisement for the receipt of bids, and request approval by the Bureau of Buildings. Funds are available in the amount of \$995,000 from the Bureau of Buildings.
4. **MSU** - Approved appointment of I. C. Thomasson Associates, Inc., as project professionals for **IHL #205-191, Power Generating Plant**. Funds are available in the amount of \$17 million from MSU EBC bonds.
5. **MSU** - Approved appointment of Salomon Smith Barney as bond underwriters for the \$17 million 2001 bond issue that will fund the Power Generating Plant, IHL #205-191.
6. **MSU** - Approved award of timber sales to the highest bidder, as follows:
 - a. Timber Sale 02-01PT, Talking Warrior Unit, John W. Starr Memorial Forest:

Company	Base Bid
1. Rives Brothers	\$208,601.00
2. Twin States L & T	\$191,895.87
3. Barge Forest Products	\$180,360.00
4. Fly Timber Company	\$108,000.00
 - b. Timber Sale 02-02PT, Noxubee Unit, John W. Starr Memorial Forest

Company	Base Bid
Rives Brothers	\$101,221.16
 - c. Timber Sale 02-03PT, Talking Warrior Unit, John W. Starr Memorial Forest

Company	Base Bid
1. Fly Timber Co.	\$16,000.00
2. Rives Brothers	\$15,951.76
3. Twin States L & T	\$10,718.50
 - d. Timber Sale 02-05PP, Noxubee Unit, John W. Starr Memorial Forest

Company	Base Bid
Twin States L & T	\$2,875.75
 - e. Timber Sale 02-07PT, Mississippi State University Experiment Station, North Farm

Company	Base Bid
Fly Timber Co.	\$20,000.00
Twin States L & T	\$14,875.98
7. **MSU** - Approved request for the Mississippi Agricultural and Forestry Experiment Station to sell approximately seventy-one acres located in Oktibbeha County to Orlando Trainer for the amount of \$78,729. The sales price is greater than the average of the two appraisals as follows:

Lavell W. Brown, III	\$72,000
Mitchell Gordon	\$79,000
8. **MUW** - Approved final payment to the contractor for **GS #104-135, 2000 Mechanical Renovations**, and request approval by the Bureau of Buildings.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

9. **UM** - Approved resolution (**See Exhibit 6**) authorizing execution of the appropriate documents by the UM EBC for the issuance of Revenue Bonds, Series 2002, in the amount of \$8,090,000 for refinancing existing bond issues, and in the amount of \$7 million for renovations, rehabilitations, and other improvements to student housing, for a total of \$15,090,000.
10. **USM** - Approved Change Order #4 in the amount of \$1,573,236 for **GS #108-166, Fairchild Building Addition**, and request approval by the Bureau of Buildings. The work was included in the original scope of work for the building but funds were not available. Funds are available in the amount of \$2.5 million from H.B. 1666, Laws of 1996 and in the amount of \$6,033,752 from the USM Athletic Foundation, for a total of \$8,533,752.

Mr. Ross passed the chairmanship of the Board meeting to Mr. Bryce Griffis for consideration of the Personnel/Foreign Travel Agenda.

PERSONNEL/FOREIGN TRAVEL AGENDA
Presented by Dr. Thomas Layzell, Commissioner

On motion by Dr. Davidson, seconded by Mr. Crawford, with Mr. Colbert absent and not voting, it was

RESOLVED, That the Board hereby approves the employment of personnel items and agenda item #2 as submitted in the following Personnel/Foreign Travel Agenda. The termination of employment items were approved on a separate motion by Dr. Davidson, seconded by Mr. Klumb, with Mr. Colbert absent and not voting. The change of status items, the sabbatical leave item, agenda item #3, and the tenure item were all approved on a separate motion by Mr. Nicholson, seconded by Mr. Klumb, with Mr. Colbert absent and not voting. Agenda item #4 was approved on a separate motion by Dr. Neely, seconded by Mr. Ross, with Mr. Colbert absent and not voting.

1. Personnel Report.

EMPLOYMENT

Mississippi State University

Ambrust, Kevin L.
Burnett, George
Knudson, Kevin
Ott, Neely K.
Street, Shannon L.
Zhong, Yu

University of Mississippi

Cao, Lei
Murphey, Lisa M.
Noss, Scott C.
Rogers, Holly E.
Shaw, J. Riley

Trott, Donald L.
Wee, John

University of Mississippi - Athletics

Crandall, Kim
Greene, Derek T.

University of Mississippi Medical Center

Braswell, Ronald A.
Carron, Jeffrey D.
Jackson, Dena Weeks
Jordan, James Randall
Kim, Daniel K.
Payne, John Paul
Smith, David Lambuth

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

University of Southern Mississippi
Motter, Kristi L.

TERMINATION

Delta State University
Chrestensen, James M., III
Gresham, Daniel
Taylor, Sharon Lynn
Tackett, Debbie

Jackson State University
Breazeale, Bill
Manning-Wilkerson, Daisy
Pennington, Roberta

Mississippi State University
Grootkerk, Paul
Heitz, James R.
Reames, James E.
Salin, Marvin L.
Skelly, Sonja M.

Mississippi State University - Athletics
Jones, Edwin S.

Mississippi Valley State University
Bowen, Ethel
McCastle, Ramona D.
O'Sullivan, Holly
Sirabian, Robert
Stewart, Delarius

University of Mississippi
Miller, Gary L.
Townsend, William R.

University of Mississippi - Athletics
Shafer, John W.

University of Mississippi Medical Center
Burchfield, Tommie L.
Fulcher, Todd L.
Hashimoto, Luis
Kazmi, Samina

Khalil, Raouf A.
Ma, Terence P.
McKillop, Barry A.
Peirce, Anne
Powell, Shirley
White, Rebecca L.

CHANGE OF STATUS

University of Mississippi - Athletics
Bianco, Michael F.

University of Mississippi Medical Center
Rogers, Barbara
Slobin, Lawrence I.

SABBATICAL LEAVE

University of Mississippi Medical Center
Pearson, Rebecca

AWARD OF TENURE

Delta State University
Davis, Miriam C.
King, Stephen A.
Wagoner, Charles B.

Jackson State University
Bland, Lauren E.
Cassisi, Jeffrey
Didia, Dal
Fadavi, Mehri
Hagelberg, Frank
Ibitayo, Olurominiyi
Lewis, Freda
Liu, Yiming
Nwagboso, Emmanuel
Tchounwou, Paul B.
Welch, Edward
Yu, Hongtao

Mississippi State University
Bartkowski, John P.
Boone, Jeffery P.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

Coats, Linda T.
Coble, Keith H.
Damms, Richard V.
Foster, G. Sam
Fowler, James E.
Grace, Cathy
Hagler, Marion
Hardin, William G., III
Martin, James L.
Menifield, Charles E.
Miller, Phyllis B.
Mzoughi, Taha
Newman, James C., III
Petrie-Hanson, Lora
Stewart, Scott D.
Stuart, Willaim B.
Swafford, Doris J.
Thomasson, J. Alex
Vaughn, Rayford B., Jr.
Wood, H. Alan

Mississippi University for Women

Kerzel, Dorothy
Longton, Michael
Polizzi, Kenneth
Velek, Thomas
Zimmer, Beate

University of Mississippi

Acevedo, Edmund O.
Aubrey, Julia A.
Barkdoll, Brian D.
Brewer, J. Stephen
Davidson, Gregg R.
Denley, Tristan M. J.
Grayzel, Susan R.
Hanes, Christopher
Ingene, Charles A.
Kuszmaul, Joel S.
Lackey, Ellen
Letzring, Timothy D.
McCaffrey, David John, III
Moore, Debra J.
Mullen, Christopher L.
O'Haver, John H.

Panhorst, Terry L.
Rego, Cesar
Ross, Charles K.
Spurgeon, Alan L.
Sumrall, William J.
Wilkin, Noel E.

University of Mississippi Medical Center

Baliga, Mithra
Bigler, Steven A.
Bissette, Garth
Daniel, Melissa
Ebeid, Markram R.
Eklund, Neva
Frate, Dennis A.
Gay, Hannah D. B.
Giroux, Peter
Henderson, Eva M.
Hines, Randall S.
Kolar, Kathy
Mitchell, Ben L.
Palmer, April L.
Roy, William A.
Shingleton, W. Bruce
Tubbs, Carol

University of Southern Mississippi

Brumbeloe, Joseph
Burnett, Joanne E.
Butts, Mary Jane
Coates, Eyler Robert
Dixon, Clifton V.
Goetzen, Christopher
Hinton, Agnes W.
Judd, Stephen
Kimber, Michael
Kuhn, Francis X.
Mann, Edward C.
Mayo, Charles M.
McCoy, John G.
Payne, Thomas E.
Sims, Patricia Lowery
Stanberry, Anne M.
Velasquez, Benito J.
Walker, Thomas D.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

Wilder, Paul J.
Wilson-Kimber, Marian

2. **System Administration** - Approved the Quarterly Employment Report for the quarter ending March 31, 2002. A copy of the report is included in the bound *May 16, 2002 Board Working File*.
3. **System Administration** - Approved agenda item considered subsequent to the April 18, 2002 Board Meeting, as follows:
 - a. **DSU** - Approved emeritus status for Leroy E. Morganti.
4. **System Administration** - Approved foreign travel as follows:

FOREIGN TRAVEL

Alcorn State University

Jackson, Franklin D.	Lima, Peru
Panicker, Girish	Toronto, Ontario, Canada
Jones, Wiley F.	Vancouver, Canada

Delta State University

Davis, Miriam	Great Britain
---------------	---------------

Jackson State University

Gorb, Leonid	Kiev, Ukraine and Kharkov, Ukraine
Leszczynski, Jerzy	Wroclaw and Warsaw, Poland and the Czech Republic
Mohamed, Abdul	Wroclaw and Warsaw, Poland and the Czech Republic
Remata, Praveena (Student)	Toronto, Ontario, Canada
Remata, Umesh Reddy	Toronto, Ontario, Canada
Sims, Jamease (Student)	Toronto, Ontario, Canada

Mississippi State University

Banicescu, Ioana	Honolulu, Hawaii
Bonfanti, Philip	Tokyo, Japan
Bowers, Susan (Student)	Quebec City, Quebec, Canada
Briley, W. Roger	Montreal, Canada
Chalasani, Satish (Student)	Honolulu, Hawaii
Chaloupka, Alicea Anne (Student)	Quebec City, Quebec, Canada
Chupa, Anna M.	Barcelona, Spain and Lourdes, France
Collins, Eric M.	Honolulu, Hawaii
Collins, Jennifer D.	Honolulu, Hawaii
Covington, Nancy	Honolulu, Hawaii
Cushman, Ken Evarts	Toronto, Ontario, Canada
Edwards, Thomas E.	Montreal, Canada
Evans, H. Logan (Student)	Quebec City, Quebec, Canada
Evans, William E.	Toronto, Ontario, Canada

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

Glass, Patrick A.	Edinburgh, Scotland
Grado, Stephen C.	La Maddalena, Sardinia, Italy
Graves, Kenneth B.	Quebec City, Quebec, Canada
Greenwood, Allen	Bristol, England
Hagler, Marion	Beijing and Chenadu, China and Tokyo, Japan
Hanson, Terrill	Waimanalo, Hawaii
Hodge, B. K.	Montreal, Canada
Kelly, Lelia S.	Toronto, Ontario, Canada
King, Roger	Toronto, Ontario, Canada
Kiser, Terry E.	Toronto, Ontario, Canada
Lilley, Frank E. (Student)	Hague, The Netherlands
Little, Chitose I.	Tokyo, Japan
Lusk, Jayson	Reading, England
McClain, Stephen T.	Montreal, Canada
McLaurin, Sheri	San Juan, Puerto Rico
Myloie, Joan R.	Moriana Islands, Guam
Myloie, John E.	San Salvador Island, Bahamas and Moriana Islands, Guam
Nicodemus, Molly C.	Quebec City, Quebec, Canada
Noack, Ralph W.	Honolulu, Hawaii
Phillips, Jennifer (Student)	Hague, The Netherlands
Pitre, Henry N.	Honduras, Nicaragua
Posadas, Benedict C.	Waimanalo, Hawaii
Prewitt, Nathan C.	Honolulu, Hawaii
Rice, Michael H.	Vienna, Austria and Amsterdam, The Netherlands
Ryan, Peter Liam	Quebec City, Quebec, Canada
Silva, Juan L.	Bento Goncalves, Brazil
Smith, Terry R.	Quebec, Canada
Soni, Bharat	Honolulu, Hawaii
Stafford, Kevin W. (Student)	Moriana Islands, Guam
Stewart, Tracie L.	San Sebastian, Spain
Thompson, David	Honolulu, Hawaii
Usher, John M.	Maui, Hawaii
Uzoigwe, Godfrey N.	Port-Harcourt, Nigeria
White, Charles H.	Quebec City, Quebec, Canada
Willard, Scott T.	Quebec City, Quebec, Canada
Williams, Allen R.	Quebec City, Quebec, Canada
Younan, Nicolas H.	San Juan, Puerto Rico

Mississippi Valley State University

Bland, Constance G.	Aarhus, Denmark
Cathey, Orian	Aarhus, Denmark
Curry, Andre	Vancouver, British Columbia, Canada
Dixon, Joyce Ann	Vancouver, British Columbia, Canada
White, Stacy	Aarhus, Denmark

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

University of Mississippi

Approximately 15 Students

Approximately 19 Students

Approximately 20 Students

Acevedo, Edmund

Aldy, Ron

Albritton, Robert

Bannerman, Blair (Student)

Bass, Henry

Brewer, Stephen

Buchholz, Richard

Canty, Ann

Chambers, James

Cheng, Alexander

Clinton, Drew

Coleman, Lee (Student)

Czarnetzky, John

Denman, Margaret

Dowell, Kim

Fischer, Nikolaus

Fletcher, Kristen

Frink, Dwight

Gaston, Gary

Glover, Fred

Hall, Timothy

Harvey, Michael

Hemant, Lata

Holeman, Steve

Johnson, Lynnette

Lee, Cary

Lonegan, Katy

McLaughlin, Richard

Maxwell, Connie

Moraes, Rita

Moore, Renee

O'Haver, John

Paterson, Alan

Pittman, Larry

Prasad, S. N.

Reidy, Jim

Rosamond, Kim

Rychlak, Ronald

Sargent, Rachel

Schuehly, Wolfgang

Smith, Tony

Madrid and Salamanca, Spain

Nassau, Bahamas

Cambridge, United Kingdom

Athens, Greece and Perth, Australia

Nassau, Bahamas

Patani, Thailand

Bangkok, Thailand

Rome, Italy and Cancun, Mexico

Tokyo, Japan

Montreal, Canada

Cambridge, United Kingdom

Montpellier, France

Sintra, Portugal

Nassau, Bahamas

Bangkok, Thailand

Bangkok, Thailand

Cambridge, United Kingdom

Nassau, Bahamas

Belize City, Belize

Honolulu, Hawaii

Cambridge, United Kingdom

Belize City, Belize

Montreal, Canada

Cambridge and London, United Kingdom

San Juan, Puerto Rico

Toronto, Ontario, Canada

Seoul, South Korea

Nassau, Bahamas

San Juan, Puerto Rico

Nassau, Bahamas

Honolulu, Hawaii

Bangkok, Thailand

Toronto, Ontario, Canada

Montreal, Canada

Bangkok, Thailand

Windsor, Canada

Honolulu, Hawaii

Torino, Italy

Bangkok, Thailand

Nassau, Bahamas

Bangkok, Thailand

Nassau, Bahamas

Belize City, Belize

Nassau, Bahamas

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

Talmadge, Carrick
Thompson, Gil
Threlkeld, Stephen
Truong, Leigh (Student)
Uddin, Waheed
Vinson, Barbara
Walker, Larry
Wang, Sam
Zjawiony, Jordan

Titisee, Germany
Nassau, Bahamas
Bolsena and Pallanza, Italy
Bangkok, Thailand
Lisbon, Portugal
San Juan, Puerto Rico
Bangkok, Thailand
Warsaw, Poland and Cardiff, United Kingdom
Lublin and Poznan, Poland

University of Mississippi Medical Center

Bankston, Marcia Anne
Dellinger, Tracy
Doddato, Theresa
Duhe, Roy J.
Faruque, Fazlay S.
Fortepiani, Lourdes
Geissler, William B.
Gordy, Jack R.
Gressett, Pamela J.
Harisdangkul, Valee
Haynie, Lisa
Ho, I. K.
Holder, Ray
Hosler, Jonathan
Hughes, James L.
Kolar, Kathryn
Lightsey, J. Michael
Livingston, Mark
Lofton, Susan
Mangum, Carl
Morano, James
Mullen, Charles R.
Norcum, Mona T.
Ordway, Gregory
Regunathan, Soundar
Robles, Aymarah
Ross, Ian B.
Russell, George V.
Russell, William F.
Shure, Deborah
Thomas, Nancy S.
Vanderslice, George Thomas
Williams, Otis L.

Milan, Italy
Edinburgh, Scotland
Brisbane, Australia
Oslo, Norway
Dhak, Bangladesh and Brisbane, Australia
Prague, Czech Republic
Caracas, Venezuela
Whistler, British Columbia, Canada
Milan, Italy
Bangkok, Thailand
Brisbane, Australia
Taipei, Taiwan
Edinburgh, Scotland
Stockholm, Sweden
Oslo, Norway
Brisbane, Australia
Whistler, British Columbia, Canada
Edinburgh, Scotland
Brisbane, Australia
Brisbane, Australia
Milan, Italy
Vancouver, British Columbia, Canada
Quebec, Canada
Montreal, Canada
Montreal, Canada
Hong Kong, China
Vancouver, British Columbia, Canada
Victoria, British Columbia, Canada
Quebec, Canada
Hong Kong, China
Milan, Italy
Milan, Italy
Milan, Italy

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

University of Southern Mississippi

Babin, Barry	Germany and Spain
Betounes, David	Italy
Bettencourt, Matthew	Scotland
Bisland, Ralph	England
Black, Tyrone	England
Butko, Peter	Sweden
Cameron, Amy	France
Carlin, Margaret	England
Davies, David	England
Dean, Jay	Mexico
Dodd, David	Canada
Dover, Ernest	England
Duplantis, Ann	England
Escobar, Luz Marina	Spain
Gillespie, Jeanne	Mexico
Hawkins, William E.	Hawaii
Hayes, Monica	England
Herzinger, Kim	England
Hudson, Tim	England and France
Johnson, JoAnn	Canada
Jones, Dolores A.	Scotland
Lares, Jameela	Spain and England
Leach, Mark	Singapore
Lyddon, William	Italy
Mattson, Gerald	England
McCandless, Amy	England
Moore, Robert	France
Page, Kirt (Student)	France
Pojman, John	England
Rufo, Elisa S.	Mexico
Sudduth, Frances	England
Sudduth, Phillip	England
Tardy, Charles	England
Tilker, Kris	England
Wadley, William	England
Waldoff, Stanley	Mexico
Waltman, Jerald	England
Wiest, Andrew	England
Williams, Alvin	England
Williams, Larry	England

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

System Administration - Emergency approval of foreign travel was granted by Commissioner Thomas D. Layzell per *Board Policy* 705.0103 for the following:

Jackson State University

Assad, Jean-Claude	Cairo, Egypt
Homying, Wimon	Cairo, Egypt
Ibitayo, Niyi	Cairo, Egypt
Lee, Kayester	Cairo, Egypt
Liddell, L. Frances	Cairo, Egypt
Mack, Ally	Cairo, Egypt
Moreland-Young, Curtina	Cairo, Egypt
Mtey, Kanty	Cairo, Egypt
Sutton, Dwayne	Cairo, Egypt
Tchounwou, Paul	Cairo, Egypt
Tolliver, Jennifer	Cairo, Egypt

Mississippi State University

Jones, William W. III (Student)	Tranas, Sweden
---------------------------------	----------------

University of Mississippi

Hadden, Richard	Lyon, France
Jia, Yafei	Seoul, South Korea
Reidy, James	Victoria, British Columbia, Canada
Spitler, Lori	Toronto, Ontario, Canada
Walker, Corey	San Jose, Costa Rica

University of Mississippi Medical Center

Bigler, Lenore	Mexico City, Mexico
Streckfus, Charles	Mexico City, Mexico

University of Southern Mississippi

Douglas, Dianna	Jamaica
Jensen, Robert G.	Vietnam
O'Neil, Brian	Vietnam
Price, Catherine	Switzerland
Sanchez, Rafael	Spain

UNANIMOUS CONSENT

Presented by Dr. Thomas Layzell, Commissioner

On motion by Dr. Davidson, seconded by Mr. Ross, with Mr. Colbert absent and not voting, it was

RESOLVED, That the Board hereby approves the agenda items as submitted in the following Unanimous Consent Agenda.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING**

May 16, 2002

1. **ASU** - Approved the following personnel for the award of tenure: Teresa Bryan, Joseann Dewitt, Carolyn Dollar, Michael Ezekwe, Linda Godley, Dzifa Johnson, Steve Wells, and Lixin Yu.
2. **JSU** - Approved initiation of **IHL #203-141, Ayer Hall Renovation Phase II**, and appointment of Robert Parker Adams as project professional. Funds are available in the amount of \$1 million from University sources.
3. **USM** - Approved request to retain Alan Purdie to provide legal assistance with the defense of Dr. Rex Stamper, in his official capacity, in the matter of *Williams v. USM, et al.* The rate of work will be \$110 per hour plus all direct expenses of representation. Funds are available from the University general funds.
4. **MVSU** - Approved the following personnel for the award of tenure: Garfield Burke, Mudlagiri Coli, Jerome Greene, Mohammad Hoque, Gary Nash, and Cassie Osborne, Jr.

OTHER BUSINESS

Presented by Dr. Thomas Layzell, Commissioner

On motion by Ms. Garrett, seconded by Dr. Magee, with Mr. Colbert absent and not voting, it was

RESOLVED, That the Board hereby approves agenda item #1 as submitted in the following Other Business Agenda. Agenda item #2 was approved on motion by Mr. Griffis, seconded by Ms. Garrett, with Mr. Colbert absent and not voting. Agenda item #3 was approved on a separate motion by Ms. Whitten, seconded by Dr. Neely, with Mr. Colbert absent and not voting.

1. **System Administration** - Approved the 2002-2003 Board committee appointments, as follows:

NOTE: EACH BOARD MEMBER IS A MEMBER OF EACH COMMITTEE.

COMMITTEES:

Academic Affairs Committee: Roy Klumb, Chair

Ayers Implementation Committee: Dr. D. E. Magee, Chair

Black History Month Committee: Dr. Bettye Neely, Chair

Budget and Financial Affairs Committee: Amy Whitten, Chair

Building/Facilities Committee: Scott Ross, Chair

Internal Audit Committee: Carl Nicholson (Chair), Bill Crawford, Dr. Stacy Davidson, and Dr. D. E. Magee

Legal Committee: Dr. Stacy Davidson, Chair

Planning Committee: Bill Crawford, Chair

Student Affairs Committee: Ricki Garrett, Chair

Technology Committee: Virginia Shanteau Newton, Chair

Mississippi State University Presidential Search Committee: Carl Nicholson (Chair), Bill Crawford, Roy Klumb, Dr. Bettye Neely, Scott Ross, Amy Whitten, and Bryce Griffis (Ex-Officio)

TASK FORCES:

Efficiencies Task Force: Thomas Colbert (Chair), Virginia Shanteau Newton, Carl Nicholson, Dr. Ronald Mason, Dr. Shelby Thames, and Dr. Thomas Layzell

Executive Officer/Evaluation Task Force: Amy Whitten (Chair), Dr. D. E. Magee, Bill Crawford, Dr. Robert Khayat, Dr. Clinton Bristow, and Dr. Thomas Layzell

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

Point Cadet Task Force: Virginia Shanteau Newton, Chair

REPRESENTATION APPOINTMENTS:

Advisory Board of the Employee State Health Plan: Faculty Senates Association Chair

Inter-Alumni Council Representative: Ricki Garrett

Mississippi Resource Development Corporation Board: Bill Crawford and Scott Ross

Mississippi University Research Authority: Thomas Colbert, Vice President, Board of Trustees of State Institution of Higher Learning

University Press Representative: Dr. Bettye Neely

TERM APPOINTMENTS AS SPECIFIED:

Authority for Educational Television: Allen Lind, Assistant Commissioner of Technology. Term: May 17, 2002 - February 1, 2004.

MEDNET: Ricki Garrett. Term: Length of Member's Term.

Mississippi Commission for Volunteer Service: Vacant

Mississippi Higher Education Assistance Corporation: Dr. Thomas Layzell. Term: Length of Appointee's Term.

Mississippi Veteran's Memorial Stadium Commission: Dr. D. E. Magee. Term: May 1, 2002 - April 30, 2007.

Southern Regional Education Board: Charlie Smith. Term: July 1, 1999 - June 30, 2003.

2. **System Administration** - Approved resolution commending Dr. Aubrey K. Lucas for his service as President of The University of Southern Mississippi. (See Exhibit 7.)
3. **System Administration** - Approved resolution commending Judge Lenore L. Prather for her service as interim president of Mississippi University for Women. (See Exhibit 8.) Judge Prather received the resolution and thanked the Board members.

Mr. Griffiths passed the chairmanship of the Board meeting to Dr. Stacy Davidson for consideration of the Legal Agenda.

LEGAL AGENDA

Presented by Dr. Stacy Davidson, Chair

On motion by Mr. Crawford, seconded by Ms. Whitten, with Mr. Colbert absent and not voting, it was

RESOLVED, That the Board hereby approves agenda item #1 as submitted in the following Legal Agenda. Agenda item #2 was approved on a separate motion by Mr. Ross, seconded by Mr. Klumb, with Mr. Colbert absent and not voting.

1. **UM** - Approved request to amend Article 4, Section 4.01 of the Bylaws of the UM EBC to read as follows:
“ . . . to provide that the Assistant Vice Chancellor for Finance of the University shall, by virtue of his or her office, be a member of the EBC and a member of its Board of Directors in place of the University Comptroller beginning June 1, 2002.”
2. **UMMC** - Approved requests to retain legal counsel, as follows:
 - a. Request to renew a contract with Needle & Rosenberg, P.C., to provide legal services as patent counsel. The hourly rate is \$400 plus expenses for Mr. William H. Needle and other principals

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

and \$230 to \$250 per hour for associates plus expenses. The annual agreement for the period of July 1, 2002 through June 30, 2003 will not exceed \$30,000.

- b. Request to employ Richard S. Myers, Jr., an associate of Stites and Harbison, to provide legal services as patent counsel. The hourly rate is \$250 plus expenses for principals and \$175 to \$200 per hour for associates plus expenses. The annual agreement for the period July 1, 2002 through June 30, 2003 will not exceed \$30,000.

3. **System Administration (Information item.)** - Payment of legal fees.

- a. Payment of legal fees to outside counsel in relation to litigation and other matters, as follows: Payment of legal fees for professional services rendered by Sims Moss Kline & Davis (Statement dated 3/12/02) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *Computer Applications, Inc.* case.)

TOTAL DUE \$1,394.19

Payment of legal fees for professional services rendered by McGlinchey Stafford (Statements dated 1/2/02 and 2/1/02) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$2,059.45 and \$342.42, respectively, represent services and expenses in connection with the *Duncan* case.)

TOTAL DUE \$2,401.87

Payment of legal fees for professional services rendered by Wells, Moore, Simpson & Hubbard (Statement dated 3/26/02) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *Salter* case.)

TOTAL DUE \$2,726.00

Payment of legal fees for professional services rendered by Bryan, Nelson, Randolph and Weathers (Statement dated 2/1/02) from the funds of The University of Southern Mississippi. (This statement represents services and expenses in connection with the *Gospodarski* case.)

TOTAL DUE \$2,234.19

Payment of legal fees for professional services rendered by Taylor, Covington & Smith (Statements dated 3/29/02) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$100.00 and \$1,984.50, represent services and expenses in connection with a land sale and a land purchase.)

TOTAL DUE \$2,084.50

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (Statement dated 4/8/02) from the funds of The Mississippi Space Commerce Initiative. (This statement represents services and expenses in connection with *Durham v. MSCI*.)

TOTAL DUE \$2,273.16

- b. Payment of legal fees to outside counsel in relation to patent matters, as follows:
Payment of legal fees for professional services rendered by Waddey & Patterson (Statement dated 3/14/02) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with a patent application for "Cardiovascular Inhibitor of Metalloproteinase.")

TOTAL DUE \$274.38

Payment of legal fees for professional services rendered by Piper Marbury Rudnick & Wolfe (Statements dated 2/28/02, 2/28/02, 3/12/02, 3/13/02, 3/13/02, 3/18/02, and 3/26/02) from the funds of Mississippi State University. (These statements, in the amounts of \$1,013.88; \$345.50; \$1,969.70; \$482.51; \$1,928.08; \$1,956.66; and \$2,265.30, respectively, represent services and expenses in connection with various patent applications.)

TOTAL DUE \$9,961.63

4. **System Administration. (Information item.)** - Approved, upon review and recommendation of the Office of the Attorney General, the Litigation Report for May 1, 2002. The report is included in the bound *May 16, 2002 Board Working File*.

Dr. Davidson passed the chairmanship of the Board meeting to Mr. Bryce Griffis for a discussion of possible Board Retreat dates. Mr. Griffis passed the chairmanship of the Board meeting to Mr. Carl Nicholson for a report on the activities of the Mississippi State University Presidential Search Committee.

**MISSISSIPPI STATE UNIVERSITY
PRESIDENTIAL SEARCH COMMITTEE
Mr. Carl Nicholson, Chair**

On May 1, 2002 the Search Committee met with the Campus Advisory Committee and Mr. Bill Funk, consultant from Korn/Ferry, on the MSU campus. The search process was discussed and the Advisory Committee was charged with its responsibilities.

Mr. Nicholson passed the chairmanship of the Board meeting to Mr. Bryce Griffis for consideration of the Efficiencies Task Force Committee.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

EFFICIENCIES TASK FORCE COMMITTEE

Presented by Dr. Thomas Layzell, Commissioner

1. The shared administrative computing project continues. Eight vendors submitted proposals in April. The Chief Technology Officers reviewed the proposals. On April 29, 2002 two vendors were recommended and invited to make presentations on the idea of a consolidated center concept, which they did on Wednesday, May 15, 2002. SCT sent a contract for the consolidated maintenance agreement that will commence July 1, 2002, upon review and recommendation by legal counsel (the Attorney General's Office).
2. On Thursday, May 9, 2002, fifty representatives from the universities appeared to discuss the Management Report. A number of good suggestions for refinements and improvements concerning the indicators in the approach were discussed during the meeting. More meetings to discuss the Management Report have been scheduled, as well as, placing this issue on the Board Retreat agenda.
3. The committee has been working with the Municipal Energy Association of Mississippi to determine whether or not it is possible to achieve some savings with bulk purchases of electricity and gas. It appears there might be. The committee will continue to work with that association.
4. The committee is working on a system property insurance proposal. The belief is that the market might be right now that a better bid on the system property insurance.

EXECUTIVE SESSION

On motion by Mr. Crawford, seconded by Mr. Nicholson, with Mr. Colbert absent and not voting, the Board voted to close the meeting to determine whether or not it should declare an Executive Session. On motion by Ms. Newton, seconded by Ms. Whitten, with Mr. Colbert absent and not voting, the Board **voted to go into Executive Session** for the reason later reported by the President in Open Session and stated in these minutes, as follows:

Discussion of a legal matter relating to the *Ayers* case.

On motion by Mr. Crawford, seconded by Ms. Garrett, with Mr. Colbert absent and not voting, the Board voted to return to Open Session.

The Board discussed a legal matter relating to the *Ayers* case.

PLANNING AGENDA

Mr. Bill Crawford, Chair

Wednesday, May 15, 2002

The meeting was brought to order by Mr. Crawford, Chair. The following items were discussed:

1. **System Administration** - The Board discussed revisions to the Strategic Plan with respect to the Vision Statement, Mission Statement, Planning Principles, FY 2004-2008 Goals, and FY 2004-2008 Priorities.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

2. **Other Business** - Mr. Crawford addressed the idea of placing the institutional mission statements on top priority status for the upcoming meetings.

Board members attending the meeting were: Mr. Crawford (Chair), Mr. Colbert, Ms. Garrett, Mr. Griffis, Mr. Klumb, Mr. Nicholson, Ms. Newton, Mr. Ross, and Ms. Whitten. Dr. Davidson, Dr. Magee, and Dr. Neely were absent.

POINT CADET TASK FORCE AGENDA

Ms. Virginia Shanteau Newton, Chair
Wednesday, May 15, 2002

The meeting was brought to order by Ms. Newton, Chair.

EXECUTIVE SESSION

On motion by Mr. Griffis, seconded by Mr. Nicholson, with Dr. Davidson, Dr. Magee, and Dr. Neely absent and not voting, the Board voted to close the meeting to determine whether or not it should declare an Executive Session. On motion by Mr. Ross, seconded by Mr. Griffis, with Dr. Davidson, Dr. Magee, and Dr. Neely absent and not voting, the Board **voted to go into Executive Session** for the reason later reported by the President in Open Session and stated in these minutes, as follows:

Discussion of ongoing negotiations with respect to prospective litigation.

On motion by Mr. Crawford, seconded by Mr. Nicholson, with Dr. Davidson and Dr. Neely absent and not voting, the Board voted to return to Open Session.

The Board reviewed and discussed a proposed settlement agreement which would avoid litigation.

Board members attending the meeting were: Mr. Crawford (Chair), Mr. Colbert, Ms. Garrett, Mr. Griffis, Mr. Klumb, Dr. Magee, Mr. Nicholson, Ms. Newton, Mr. Ross, and Ms. Whitten. Dr. Davidson, and Dr. Neely were absent.

PRESIDENTS' COUNCIL

Dr. Clinton Bristow, Jr., President

I. CALL TO ORDER

President Bristow called the meeting to order.

II. Strategic Plan Modifications

Dr. Layzell distributed a revised statement of the Board's strategic plan. This is the time for an annual update of Board goals. The revision takes into account the Board's current interest in institutional missions, and proposes that the Board also revisit its mission statement. The update is a prelude to developing the budget

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

priorities for the request for FY 2004. It references the goals articulated in the Higher Education Summit report and changes the language pertaining to Ayers to reflect the implementation of the agreement. Dr. Layzell also reported that Bill Crawford, as chair of the Planning Committee, will offer an alternative statement of mission. Dr. Layzell invited comments on the draft plan.

III. Commissioner's Report

Dr. Layzell reviewed the Board Committee agendas for this month. He noted that the Board Retreat was being planned for August 6-8 to be held at the USM facility on the coast (NOTE: The date for the retreat was subsequently changed by the Board). He indicated that the tuition and fee question was still likely to engender debate, including the percentage increase the Board would support and the relationship of this issue to the Board's concern with institutional efficiencies. A question was raised as to the feasibility of the Board permitting institutions to set their own tuition rates individually. Dr. Layzell indicated that the Board would not likely permit this.

The Council went on record with unanimous support for Dr. Layzell's recommendation to the Board of an 8 percent tuition increase.

The issue of program duplication also was mentioned as a likely subject of Board discussion and action. Efforts will have to be made to enlighten the Board regarding academic program issues related to duplication and institutional missions. Council members expressed interest in emphasizing the economic impact of graduate programs, both within institutions as they generate grant support and within the larger community as they fuel local economies. Members agreed to come to the next Council meeting with proposals for common themes that could be used to help the Board understand our perspective on programmatic issues. These themes should include the social and economic benefits of these programs. Consideration may be given to putting together a brochure to articulate these themes, citing specifics to make the case.

Also to be considered is the mobilization of business support of higher education and advocacy of our work. Dr. Layzell indicated that in conversations with legislators he detected little support for a proposal to tie higher education to a dedicated revenue stream, or to reallocate funds toward higher education. To influence the legislature, business involvement as well as student leadership participation in this advocacy were proposed.

Dr. Layzell reminded the Council that the Board will need to consider recommendations for the FY 2004 budget request at its June meeting. He sought Council input as to what this request should emphasize, and the number of items that should be included.

Dr. Layzell reported a conversation with Tom Wacaster of the Hardin Foundation which indicated interest in building on the Higher Education Summit recommendations as the basis for future plans. One proposal is to conduct meetings throughout the state on how to implement these recommendations. Further discussion of this proposal will take place.

There being no further discussion, the meeting was adjourned.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

ADJOURNMENT

There being no further business to come before the Board, on motion by Ms. Garrett, seconded by Mr. Ross, with Mr. Colbert absent and not voting, the Board members voted to adjourn.

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 16, 2002**

EXHIBITS

- | | |
|-----------|---|
| Exhibit 1 | House Bill 1148– Retirement Incentive Program. |
| Exhibit 2 | <i>Board Policy</i> Section 808, Retirement Incentive Program. |
| Exhibit 3 | Rules and Regulations for the Retirement Incentive Program. |
| Exhibit 4 | Agreement, Waiver, and Release for the Retirement Incentive Program. |
| Exhibit 5 | Resolution commending the late Miriam Quinn Simmons for her service to the State of Mississippi. |
| Exhibit 6 | Resolution authorizing UM EBC to issue revenue bonds. |
| Exhibit 7 | Resolution commending Dr. Aubrey K. Lucas for his service as president of The University of Southern Mississippi. |
| Exhibit 8 | Resolution commending Judge Lenore L. Prather for her service as interim president of Mississippi University for Women. |

Exhibit 1

HOUSE BILL NO. 1148

Originated in House Ed Perry Clerk

HOUSE BILL NO. 1148

AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION 37-101-30, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO IMPLEMENT A RETIREMENT INCENTIVE PROGRAM FOR FACULTY AND STAFF OF INSTITUTIONS OF HIGHER LEARNING; TO CREATE NEW SECTIONS TO BE CODIFIED AS SECTIONS 25-11-111.1, 25-13-11.1 AND 21-29-325, MISSISSIPPI CODE OF 1972, TO REQUIRE THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PAY RETIREMENT BENEFITS TO MEMBERS WHO RETIRE ON OR AFTER JANUARY 1, 2003, AND THEIR BENEFICIARIES BY MEANS OF DIRECT DEPOSIT UNLESS THE MEMBER OR BENEFICIARY CAN DEMONSTRATE THAT PAYMENT BY MEANS OF DIRECT DEPOSIT WILL CAUSE THE MEMBER OR BENEFICIARY UNDUE HARDSHIP; TO AMEND SECTIONS 25-11-103, 25-11-105, 25-11-109, 25-11-112, 25-11-113, 25-11-115, 25-11-120, 25-11-123, 25-11-127, 25-11-133, 25-11-309, 25-13-16, 25-13-17, 25-13-29, 25-13-33, 21-29-301, 21-29-317 AND 21-29-323, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "AVERAGE COMPENSATION" UNDER THE LAWS GOVERNING THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO INCREASE THE MAXIMUM AMOUNT THAT MAY BE CONSIDERED AVERAGE COMPENSATION; TO REVISE THE DEFINITION OF THE TERM "EARNED COMPENSATION" UNDER THE LAWS GOVERNING THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO INCREASE THE MAXIMUM AMOUNT THAT MAY BE EARNED ANNUALLY AND BE CONSIDERED EARNED COMPENSATION FOR PURPOSE OF RETIREMENT, TO REVISE THE MANNER IN WHICH THE COMPENSATION OF FEE PAID OFFICIALS IS TREATED FOR PURPOSES OF EARNED COMPENSATION; TO PROVIDE THAT FROM AND AFTER JULY 1, 2002, INDIVIDUALS WHO ARE EMPLOYED BY A GOVERNMENTAL ENTITY TO PERFORM PROFESSIONAL SERVICES ON LESS THAN A FULL-TIME BASIS SHALL BECOME MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM IF THEY ARE PAID REGULAR PERIODIC COMPENSATION THAT IS SUBJECT TO PAYROLL TAXES, THEY ARE PROVIDED ALL OTHER EMPLOYEE BENEFITS AND THEY MEET MEMBERSHIP CRITERIA ESTABLISHED BY THE BOARD OF TRUSTEES THAT APPLY TO ALL OTHER MEMBERS; TO PROVIDE THAT ACTIVE MEMBERS EMPLOYED ON LESS THAN A FULL-TIME BASIS SHALL CONTINUE TO BE ACTIVE MEMBERS FOR AS LONG AS THEY CONTINUE TO BE EMPLOYED IN THAT POSITION; TO PROVIDE THAT MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO SERVED IN THE COMMISSIONED CORPS OF THE UNITED STATES PUBLIC HEALTH SERVICE PRIOR TO 1972 SHALL BE ENTITLED TO A CERTAIN AMOUNT OF CREDITABLE SERVICE FOR SUCH SERVICE; TO CONFORM TO FEDERAL LAW THE AMOUNT OF TIME WITHIN WHICH PAYMENTS MUST BE MADE FOR EMPLOYEE CONTRIBUTIONS FOR SERVICE INTERRUPTED BY QUALIFIED MILITARY SERVICE BY MEMBERS OF ALL SYSTEMS ADMINISTERED BY THE BOARD OF TRUSTEES; TO AUTHORIZE THE BOARD OF TRUSTEES TO CHANGE THE MANNER IN WHICH MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM RECEIVE THE COST OF LIVING ADJUSTMENT IF THE CURRENT MANNER OF PAYMENT WILL CAUSE A FINANCIAL HARDSHIP TO THE RETIRED MEMBER OR HIS BENEFICIARY; TO AUTHORIZE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO BECOME ELIGIBLE FOR SERVICE RETIREMENT BENEFITS WHILE PURSUING A DISABILITY RETIREMENT ALLOWANCE TO ELECT TO RECEIVE A SERVICE RETIREMENT ALLOWANCE PENDING A DETERMINATION ON ELIGIBILITY FOR A DISABILITY RETIREMENT ALLOWANCE AND TO PROVIDE THAT NO PERSON MAY APPLY FOR A DISABILITY RETIREMENT ALLOWANCE AFTER THE PERSON BEGINS TO RECEIVE A SERVICE RETIREMENT ALLOWANCE; TO PROVIDE THAT

RETIREMENT OPTION 4-C SHALL NOT BE AVAILABLE TO RETIREES WHO RETIRE EFFECTIVE ON OR AFTER JULY 1, 2004; TO PROVIDE THAT MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO ARE PURSUING A DISABILITY RETIREMENT ALLOWANCE AND SIMULTANEOUSLY OR SUBSEQUENTLY ELECT TO BEGIN RECEIVING A RETIREMENT ALLOWANCE WHILE CONTINUING TO PURSUE A DISABILITY RETIREMENT ALLOWANCE SHALL NOT BE ELIGIBLE TO SELECT OPTION 4-C OR OPTION 6; TO REVISE THE MANNER IN WHICH THE RETIREMENT ALLOWANCE IS CALCULATED IF A RETIRED MEMBER MARRIES AND ELECTS TO RECEIVE A REDUCED BENEFIT; TO PROVIDE THAT FROM AND AFTER JANUARY 1, 2003, IF THERE IS AN ELECTION OF OPTION 6 AFTER AGE 65, THE ACTUARIAL EQUIVALENT FACTOR BASED ON THE RETIREE'S AGE AT THE TIME OF RETIREMENT SHALL BE USED TO CALCULATE THE REDUCED MAXIMUM MONTHLY RETIREMENT ALLOWANCE; TO PROVIDE THAT IN THE CASE OF DISABILITY APPEALS UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, THE HEARING OFFICER SHALL HAVE THE AUTHORITY TO DEFER A DECISION IN ORDER TO REQUEST A MEDICAL EVALUATION OR TEST OR ADDITIONAL EXISTING MEDICAL RECORDS NOT PREVIOUSLY FURNISHED BY THE CLAIMANT; TO PROVIDE THAT MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM MAY CONTINUE IN MUNICIPAL OR COUNTY OFFICE OR BE ELECTED TO A MUNICIPAL OR COUNTY OFFICE WITHOUT WAIVING THE SALARY FOR THAT OFFICE IF THE COMPENSATION RECEIVED FOR THE OFFICE DOES NOT EXCEED 25% OF THE RETIREE'S AVERAGE COMPENSATION; TO CLARIFY THE RESPONSIBILITY OF CHANCERY AND CIRCUIT CLERKS TO MAKE CERTAIN EMPLOYER AND EMPLOYEE CONTRIBUTIONS TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO CONFORM THE MAXIMUM AMOUNT OF COMPENSATION THAT MAY BE CONSIDERED FOR THE PURPOSE OF ALL PLANS ADMINISTERED BY THE BOARD OF TRUSTEES TO FEDERAL LAW REQUIREMENTS; TO PROVIDE THAT MEMBERS UNDER THE SUPPLEMENTAL LEGISLATIVE RETIREMENT PLAN SHALL BE SUBJECT TO THE SAME MAXIMUM RETIREMENT BENEFIT LIMITATION AS MEMBERS UNDER OTHER PLANS ADMINISTERED BY THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TO PROVIDE THAT THE MEDICAL BOARD IS NOT REQUIRED TO CONDUCT A MEDICAL EXAMINATION OF APPLICANTS FOR DISABILITY RETIREMENT UNDER THE HIGHWAY SAFETY PATROL RETIREMENT SYSTEM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following provision shall be codified as
Section 37-101-30, Mississippi Code of 1972:

37-101-30. (1) The Legislature finds and declares that a compelling state interest exists in providing a retirement incentive program or encouraging the retirement of those employees of institutions of higher learning who are current and active contributing members of the Public Employees' Retirement System.

(2) As used in this section:

(a) "Board" means the Board of Trustees of State Institutions of Higher Learning.

(b) "Program" means the retirement incentive program established under this section.

(3) (a) The board is authorized to pay, in fiscal years selected by the board, a monetary incentive to employees who are

eligible for retirement in exchange for a voluntary agreement of the employee:

(i) To retire on a specific date as set forth in subsection (6) of this section, and

(ii) To waive any and all claims, known or unknown, arising out of or related to employment or cessation of employment at institutions of higher learning.

(b) The granting of additional compensation shall be made in exchange for additional consideration given by the employee.

(c) The retirement incentive authorized by this section is a voluntary plan for institutions of higher learning faculty and staff offering an incentive for retirement. The plan shall be available to all full-time faculty and staff who meet the eligibility criteria set forth in subsection (4) of this section.

(4) (a) To be eligible to participate in the program, full-time faculty and staff of institutions of higher learning must, as of the effective date of their retirement, be eligible to retire under the laws governing the Public Employees' Retirement System by virtue of:

(i) Having twenty-five (25) years of creditable service, or

(ii) Being age sixty (60) and having at least four (4) years of creditable service.

(b) The institution of higher learning offering the program shall, in all cases, utilize the records of the Public Employees' Retirement System as the source for determining eligibility.

(c) The program is offered as an alternative to any other retirement incentive plan that may be offered by the state or the Public Employees' Retirement System in the future.

(5) In accordance with applicable law, the institution of higher learning shall provide a cash benefit to each participant

in the program based upon a percentage of the participant's current salary that is subject to federal income tax, state income tax and Federal Insurance Contributions Act withholding. The participant shall be compensated for unused annual leave as otherwise provided by law. The cash benefit paid under this section shall not be subject to employer or employee contributions under the laws governing the Public Employees' Retirement System.

(6) Eligible employees shall make their election to participate in the program in the manner and at the time prescribed by the board. The date of retirement for all employees participating in this program shall be June 30 of any fiscal year in which the program is offered. Employees electing to participate in the program shall agree to waive any claims, known or unknown, arising out of or related to employment or cessation of employment at institutions of higher learning. An employee may revoke the election to participate in the program within seven (7) days after the execution of the election.

(7) The additional compensation authorized under the program is made in exchange for additional consideration given by the employee.

(8) The board shall prescribe such rules and regulations as it shall consider necessary to carry out the purposes of this section.

SECTION 2. The following provision shall be codified as Section 25-11-111.1, Mississippi Code of 1972:

25-11-111.1. The Public Employees' Retirement System shall make payments of retirement benefits under this chapter to members who retire effective on or after January 1, 2003, and to the beneficiaries of those members, by means of direct deposit to an account with a financial institution that is a participant of the Automated Clearing House designated by the member or beneficiary, unless the member or beneficiary can demonstrate that payment by

retirement shall be divided and paid to or for the benefit of any dependent children of the deceased member or retiree in an amount equal to ten percent (10%) of the annual benefit payable to one (1) dependent child, twenty percent (20%) for two (2) * * * dependent children, and thirty percent (30%) to three (3) or more dependent children. If there are more than three (3) dependent children, upon a child ceasing to be a dependent, his annuity shall terminate and there shall be a redetermination of the amounts payable to any remaining dependent children. Such benefits shall be paid to a surviving parent or lawful custodian of such children for the use and benefit of the children without the necessity of appointment of guardian. The remaining amount shall be paid to the spouse as otherwise provided.

SECTION 23. Section 1 of this act shall take effect and be in force from and after its passage. The remainder of this act shall take effect and be in force from and after July 1, 2002.

Exhibit 2

808 RETIREMENT INCENTIVE PROGRAM

808.01 GENERAL POLICY

The Legislature has found and declared that a compelling state interest exists in providing a Retirement Incentive Program or encouraging the retirement of those employees of Institutions of Higher Learning who are current and active contributing members of the Public Employees' Retirement System.

The goal of adopting a Retirement Incentive Program is to realize a substantial savings in personnel cost by offering a retirement incentive to employees who have accumulated many years of service credit. It is intended that implementation of the Retirement Incentive Program will provide a budgeting tool to aid in controlling payroll costs.

It is the policy of the Board to provide the option of a Retirement Incentive Program for facilitating the voluntary retirement of those eligible institution and Board employees who are current, active contributing members of the Mississippi Public Employees' Retirement System. The Board shall select the fiscal year in which the program is offered and shall also designate the enrollment period during the fiscal year selected. Subject to Board approval, an institution may elect to offer the program to faculty and staff.

Rules and regulations of the Retirement Incentive Program will be on file with the Commissioner in the Board office.

House Bill 1148, Legislative Session 2002
(BT Minutes, 5/2002)

Exhibit 3

Board of Trustees of State Institutions of Higher Learning Retirement Incentive Program Rules and Regulations

1. Introduction

The Retirement Incentive Program is a program for facilitating the voluntary retirement of those institution and board employees who are current, active contributing members of the Mississippi Public Employees' Retirement System. The Board of Trustees of State Institutions of Higher Learning (Board) shall select the fiscal year in which the program is offered and shall also designate the enrollment period during the fiscal year selected. Subject to Board approval, the institution may elect to participate in the program in the selected fiscal year and the institution may elect to offer the program to faculty and staff.

2. Eligibility

- a. The Retirement Incentive Program is a voluntary plan available to all full-time faculty and staff of the Institutions of Higher Learning, including the Board Office, who, as of the effective date of their retirement, are eligible to retire under the laws governing the Public Employees' Retirement System by virtue of:
 - i. Having twenty-five (25) years of creditable service, or
 - ii. Being age sixty (60) and having at least four (4) years of creditable service.
- b. An employee who is offered and accepts retirement pursuant to the Retirement Incentive Program must retire and sign an agreement, waiver, and release by June 30 of any fiscal year in which the program is offered.
- c. The institution of higher learning offering the program shall, in all cases, utilize the records of the Public Employees' Retirement System as the source for determining eligibility.

3. Incentive

- a. The institution of higher learning offering the program shall provide a cash benefit to each participant in the program based upon a percentage of the participant's current salary. The cash benefit is subject to federal income tax, state income tax and Federal Insurance Contributions Act (F.I.C.A.) and Medicare withholding. Subject to Board approval, the institution shall determine the appropriate percentage. The cash benefit shall be at least twenty-five per cent (25%) but shall not exceed fifty per cent (50%) of the participant's current annual base salary, exclusive of stipends, overtime, and other extra payments.
- b. The percentage of annual salary paid may be in a lump sum or paid over a five (5) calendar year period in equal installments, subject to federal, state, F.I.C.A. and

Medicare withholdings. Unused annual leave, if applicable, will be paid in accordance with state law.

4. Requirements

- a. The eligible employee must elect during the enrollment period, in fiscal years selected by the Board, and retire by June 30 of any fiscal year in which the program is offered.
- b. The eligible employee must waive all rights to sue the institution or the Board of Trustees of State Institutions of Higher Learning, its officers, employees, agents, successors, insurers, and assigns, individually and /or in their official capacities or to receive any recovery or relief from any action of any kind initiated or prosecuted by any other individual or entity in this regard.
- c. The participant shall be compensated for unused annual leave as otherwise provided by state law.
- d. The cash benefit paid pursuant to this program shall not be subject to employer or employee contributions under the laws governing the Public Employees' Retirement System.
- e. The eligible employee may revoke the agreement, waiver, and release during a period of seven (7) days after having executed it. Thereafter, the agreement, waiver, and release may not be revoked, modified, altered, or changed except upon the express written consent of the Institutional Executive Officer and the Commissioner of Higher Education.

Exhibit 4

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING RETIREMENT INCENTIVE PROGRAM AGREEMENT, WAIVER, AND RELEASE

The undersigned _____ SS# _____
(hereinafter "Employee"), hereby agrees to retire by June 30, 2002, and to release all claims, more particularly described below, for the reasons set out herein.

On ***, 2002, the Board of Trustees of State Institutions of Higher Learning adopted a policy informing all faculty and staff of participating institutions that all full-time university faculty and staff members who met certain stated eligibility criteria for length of creditable service in the Mississippi Public Employees' Retirement System would be given an opportunity to participate in a voluntary Retirement Incentive Program. The eligibility criteria and incentives for this Retirement Incentive Program were described in written material provided to known eligible employees on or about ***, 2002, and to other employees on request. At the same time, a copy of this agreement, waiver, and release was provided. The period from ***, 2002, through ***, 2002, was designated as the time during which eligible employees were required to make known their decision about whether to participate in the Retirement Incentive Program. Employees were, therefore, given at least forty-five (45) days within which to consider the proposal, to seek personal, financial, and legal advice as to the advantages and disadvantages of the opportunity, and to make a decision about whether to retire.

Employee, for the consideration provided by the incentives available under the Retirement Incentive Program, hereby agrees as follows:

1. Having been given sufficient opportunity to consider the provisions of the Early Retirement Incentive Program, including this agreement, waiver, and release, Employee voluntarily elects to retire pursuant to this agreement, waiver, and release by June 30, 2002.
2. In consideration of execution of this agreement, waiver, and release, Employee will be provided a cash incentive benefit as set forth in the Board of Trustees of State Institutions of Higher Learning Retirement Incentive Program approved by the Board of Trustees on ***, 2002, a copy of which has been fully reviewed by Employee and being considered as included as incorporated in this agreement, waiver, and release. Employee agrees that the cash incentive benefit may be paid within sixty (60) days after the Employee's retirement, but only after the expiration of the seven-day revocation period described in paragraph 7 and only if Employee has not exercised the right to revoke this agreement, waiver and release.
3. Employee understands and acknowledges that the cash benefit specified under Benefits in the Retirement Incentive Program, which are not available to persons who retire outside the terms of this program, would not be available except as consideration for the execution of this agreement, waiver, and release.
4. Employee acknowledges that information concerning the job titles and ages of individuals who are eligible and not eligible is available in the Office of Human Resources.
5. Employee voluntarily releases and forever discharges (and promises not to sue) the Board of Trustees of State Institutions of Higher Learning, its officers, employees, agents, successors, affiliates, insurers, and assigns, individually and/or in their official capacities, of, from, and for any and all actions, claims, causes of actions or suits, whatsoever, in law or equity, that Employee, his or her heirs, executors, administrators, successors, or assigns may have or otherwise be entitled to assert, whether known or unknown and whether contingent or certain, upon or by reason of any matter, cause or event occurring up to the date of this

agreement arising out of or related to his or her employment by the Institution and/or the Board of Trustees of State Institutions of Higher Learning or the cessation thereof including, but not limited to, any alleged violation of Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Older Workers Benefits Protection Act, the Fair Labor Standards Act, and any other federal or state law, constitutional provision, regulation, or ordinance and/or any public policy, contract, or tort law having any bearing whatsoever on the employee's employment with the Institution and/or the Board of Trustees of State Institutions of Higher Learning or the cessation thereof.

6. Employee further agrees not to accept any recovery or relief from such action of any kind described in paragraph five above, initiated or prosecuted by any other individual or entity.
7. Employee understands that he or she may revoke this agreement, waiver, and release for a period of seven (7) days after having executed it by delivering written notice of revocation to _____ (provide name, address, and fax number). Thereafter Employee acknowledges that this agreement, waiver, and release may not be revoked, modified, altered, or changed except upon the express written consent of the Institutional Executive Officer and the Commissioner of Higher Education. Employee agrees that if Employee revokes or modifies this agreement, waiver and release, or if Employee brings a legal or administrative action for any claim or cause of action covered by paragraph 5, Employee waives and will immediately tender back to the Institution any cash incentive benefit paid to the Employee pursuant to this agreement, waiver and release.
8. Employee acknowledges that this agreement contains the full and complete agreement between Employee and the Institution and that no other inducement or consideration has been offered by the Institution to Employee for Employee's execution of the Retirement Incentive Program Agreement.

Having read and fully considered the foregoing agreement to retire and release claims, and having been afforded a reasonable opportunity to consider this agreement, waiver, and release; and having been told in writing of the advisability of consulting with or seeking advice from any person of his or her choosing including legal counsel; and having elected to execute this agreement, waiver, and release and to fulfill the promises set forth herein and to receive the benefits of the Retirement Incentive Program, including the cash incentive, Employee hereby voluntarily and knowingly enters into this agreement, waiver, and release on this _____ day of _____, 2002.

EMPLOYEE

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2002.

Notary Public (Signature)

My Commission Expires

Exhibit 5

RESOLUTION

WHEREAS, Miriam Quinn Simmons, who died on March 20, 2002, was appointed a member of the Board of Trustees of the State Institutions of Higher Learning by Governor William Waller in 1972 for a twelve-year term, and did serve on that Board with honor and distinction and ultimately became the first woman president of the Board in 1980; and

WHEREAS, she was herself a lifelong student, teacher and supporter of education in that she became valedictorian of the Forest High School Class of 1945, was graduated cum laude from Mississippi State College for Women (now Mississippi University for Women) in 1949 with a degree in Home Economics, and received membership in Mortar Board, Phi Upsilon Omicron, Kappa Delta Epsilon, and took post-graduate courses at Mississippi State University and the University of Southern Mississippi. Mrs. Simmons taught Home Economics in the Columbia City Schools, the Marion County Schools, Columbia Training School, and Columbia Academy. While serving on the Board of Trustees of State Institutions of Higher Learning, she was described by a friend as a “nurturing trustee, giving positive feedback and extending a word of comfort when setbacks inevitably came.” She made her concerns known and asked the difficult questions. At the time of her service on the Board, she was rearing three children, caring for her husband, and holding a full-time job. Mrs. Simmons gave up her “paying” job to devote her time freely to the students of the university system – all 50,000+ of them. She identified with the problems of the small universities, one of which was her Alma Mater, but not to the detriment of the university system. It was said of her by Dr. Aubrey Lucas, President of the University of Southern Mississippi, that, “We at USM shall always be grateful for her efforts in saving our doctoral program in Polymer Science when it was recommended to be closed. The fact that that program survived and U. S. News and World Report listed it as the only top ten graduate program in the State of Mississippi is a testimony to her vision and to her tenacity.”; and

WHEREAS, Miriam Simmons continued to serve the educational institutions of our state when she became the first woman from Marion County to be elected to the Mississippi House of Representatives, serving on business and educational committees of that body. She served as a lobbyist for Educational Television and served on the Foundation for Public Broadcasting; and

WHEREAS, Mississippi University for Women honored Mrs. Simmons by awarding her the Medal of Excellence in 1979 and by naming a campus building in her honor in 1992, Hastings-Simmons, which is on the National Register of Historic Buildings; and

WHEREAS, while being a supporter of education, her first love and affection was for her family: her husband, Willie Simmons, and her children, Susan Simmons Welch, Dick Simmons, and Wronel Simmons; and

WHEREAS, while being a public servant in the field of education, Miriam Simmons served her own Methodist Church in many offices and committees. Her community service was also exemplary in that she served as president and member of the Mississippi Federated Women’s Club, the MUW Alumni Board and Foundation, Junior Auxiliary, the American Cancer Society, the Business & Professional Women’s Club, the Marion County Forestry Association and the Mississippi Forestry Association; and

WHEREAS, Miriam Q. Simmons was well known and well respected throughout the State of Mississippi and her presence has enriched the lives of the people of this state through fifty years of service to her family, her church, her community and her state in her personal and her public service, especially in the field of education;

NOW THEREFORE, BE IT RESOLVED, That The Board of Trustees of State Institutions of Higher Learning does hereby express its appreciation for the life and service of Mrs. Miriam Quinn Simmons to the Board of Trustees of State Institutions of Higher Learning and to the people of the State of Mississippi, and direct that a copy of this Resolution be spread on the minutes of this Board, and a copy be mailed to the members of her family.

DONE, this the 16th day of May, 2002.

BRYCE GRIFFIS, PRESIDENT
BOARD OF TRUSTEES OF STATE INSTITUTIONS
OF HIGHER LEARNING

Exhibit 6 is available in hard copy only.

Exhibit 7

R E S O L U T I O N

***WHEREAS**, the Board of Trustees of State Institutions of Higher Learning recognizes the outstanding achievements of **Dr. Aubrey K. Lucas**, President of The University of Southern Mississippi; and*

***WHEREAS**, in that position, **Dr. Lucas** has distinguished himself as an administrator; and*

***WHEREAS**, **Dr. Lucas**, a native of State Line, Mississippi, graduated from State Line High School in 1952, received a Bachelor of Science Degree in education and history with honors from Mississippi Southern College in 1955 (now USM); and received a Doctor of Philosophy degree in the Administration of Higher Education from Florida State University in 1966; and*

***WHEREAS**, after teaching a year at Hinds Junior College, **Dr. Lucas** returned to USM and served as director of admissions, registrar, professor and dean of the graduate school; and*

***WHEREAS**, after serving as president of Delta State University for four years in the early 1970s, **Dr. Lucas** became The University of Southern Mississippi's sixth president on July 1, 1975, and became the longest-serving chief executive officer in the school's history; and*

***WHEREAS**, **Dr. Lucas** has numerous professional and civic accomplishments and has been recognized by this Board for his unparalleled service to The University of Southern Mississippi, the Board of Trustees of State Institutions of Higher Learning, and the State of Mississippi by naming the Administration Building at The University of Southern Mississippi the "**Aubrey K. Lucas Administration Building**" in his honor; and*

***WHEREAS**, **Dr. Lucas** was once again named President of The University of Southern Mississippi on August 8, 2001, by unanimous consent of the Board of Trustees of State Institutions of Higher Learning and has served faithfully and well in that position; and*

***WHEREAS**, it is the policy of the Board of Trustees of State Institutions of Higher Learning to commend the meritorious achievements of its faculty and staff;*

***THEREFORE, BE IT RESOLVED**, The Board of Trustees of State Institutions of Higher Learning does hereby commend and expresses its heartfelt appreciation to **Dr. Aubrey K. Lucas** for his distinguished service to The University of Southern Mississippi, the Board of Trustees of State Institutions of Higher Learning, and the State of Mississippi, and congratulates him for stepping into the breach and leading The University of Southern Mississippi as President and wishes him continued success in his endeavors.*

***BE IT FURTHER RESOLVED** that a copy of this resolution be presented to **Dr. Aubrey K. Lucas** and his family.*

***DONE**, this the 16th day of May, 2002.*

*BRYCE GRIFFIS, PRESIDENT
BOARD OF TRUSTEES OF STATE INSTITUTIONS
OF HIGHER LEARNING*

Exhibit 8

RESOLUTION

*WHEREAS, the Board of Trustees of State Institutions of Higher Learning recognizes the outstanding achievements of **Judge Lenore L. Prather**, Interim President at Mississippi University for Women; and*

*WHEREAS, in that position, **Judge Prather** has distinguished herself as an administrator; and*

*WHEREAS, **Judge Prather** is a native of West Point, a graduate of West Point High School, and currently resides in Columbus and is the widow of Robert Brooks Prather and has three daughters and two grandchildren; and*

*WHEREAS, **Judge Prather** holds a bachelor's degree in social studies from Mississippi State College for Women and received a juris doctorate from The University of Mississippi School of Law; and*

*WHEREAS, **Judge Prather** was in private practice from 1955 to 1971 and was an instructor at Mississippi State University in the Communications Department from 1963 until 1971; and*

*WHEREAS, **Judge Prather** was appointed West Point Municipal Judge in 1965 and was appointed by Governor John Bell Williams as 14th District Chancery Judge in 1972, making her the first woman in Mississippi history to hold a chancellorship and was elected without opposition in 1974 and was re-elected to full terms in 1975 and 1982; and*

*WHEREAS, **Judge Prather** made history again in 1982 when she was appointed by Governor William Winter as the first female Mississippi Supreme Court Justice and was elected to serve the remainder of that term in 1984 and was re-elected in 1992; and*

*WHEREAS, **Judge Prather** became presiding justice of the Mississippi Supreme Court in 1993 and became the first female Chief Justice of the Mississippi Supreme Court in 1998; and*

*WHEREAS, **Judge Prather** is a member of the Mississippi State Bar Association, Mississippi Bar Foundation, Conference of Mississippi Judges, American Inns of Court, American Bar Association, and American Judicature Society; and*

*WHEREAS, **Judge Prather** has received many honors, including the W's Medal of Excellence in 1990 and the Alumni Achievement Award in 1993, and was most recently awarded with a Judicial Excellence Award for the advancement of the quality and efficiency of justice in Mississippi at the Mississippi Bar Association's annual convention in 2001; and*

WHEREAS, it is the policy of the Board of Trustees of State Institutions of Higher Learning to commend the meritorious achievements of its faculty and staff;

***THEREFORE, BE IT RESOLVED,** The Board of Trustees of State Institutions of Higher Learning does hereby commend and expresses its heartfelt appreciation to **Judge Lenore L. Prather** for her distinguished service to Mississippi University for Women, the Board of Trustees of State Institutions of Higher Learning, and the State of Mississippi, and congratulates her for stepping into the breach and leading Mississippi University for Women as Interim President and wishes her continued success in her endeavors.*

***BE IT FURTHER RESOLVED** that a copy of this resolution be presented to **Judge Lenore L. Prather** and her family.*

***DONE,** this the 16th day of May, 2002.*

*BRYCE GRIFFIS, PRESIDENT
BOARD OF TRUSTEES OF STATE INSTITUTIONS
OF HIGHER LEARNING*